

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7466

BILL NUMBER: HB 1639

NOTE PREPARED: Jan 7, 2009

BILL AMENDED:

SUBJECT: Move Over or Slow Down for Utility Vehicles.

FIRST AUTHOR: Rep. Clements

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that the failure to use due caution when approaching a stationary utility service vehicle that is being used to perform utility services is a Class A infraction that may also result in the loss of driving privileges.

Effective Date: July 1, 2009.

Explanation of State Expenditures: For the Bureau of Motor Vehicles (BMV), the suspensions of driving privileges will be handled within current procedures with no additional fiscal impact.

Explanation of State Revenues: There are no data available to indicate if additional offenders will be found in violation of failing to yield to an emergency vehicle, if a stationary service vehicle is added to a stationary recovery vehicle and a stationary highway maintenance vehicle currently in statute. If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class A infraction is \$10,000, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

If a criminal action, infraction or ordinance violation involves a traffic violation, including this proposed

offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

Background: On average between 2003 and 2007, there were 1,150 citations a year for failing to yield to an emergency vehicle. Of those, 1,138 either pled or were found guilty.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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